

The article was alleged to be misbranded in that the following and similar statements in the labeling, (label) "Contains Vitamins A-B-E-G * * * Four level tablespoons of Wheat Germ contain about the average daily requirement of Vitamin B," and (circular entitled "Polly Rich Wheat Germ contains vitamins A-B-E-G," attached to retail package) "Nature's Own Tonic in Its Pure Virgin Wholeness" * * * The heart or embryo of the grain of wheat is known as 'Wheat Germ'. It is one of the best known sources of Vitamin B (whole complex) and E and is a good source of Vitamin A. It contains iron, phosphorus, sodium, potassium, zinc, copper, manganese, calcium and magnesium, all of which are essential to our mineral economy, in forms which are easily assimilated. Wheat Germ is in truth 'Nature's own health tonic in its pure virgin wholeness,' were false and misleading since they created the impression that wheat germ is a consequential source of vitamins A, B, E, and G and of the minerals iron, phosphorus, sodium, potassium, zinc, copper, manganese, calcium and magnesium; whereas, while wheat germ may be considered as a consequential source of vitamin B and phosphorus, the contribution to the dietary intake of the other vitamins and minerals contained in wheat germ is inconsequential. It was alleged to be misbranded further in that representations in the labeling that it was efficacious in the treatment of a wide variety of diseases and abnormalities of the body, such as secondary anemia, cataracts of the eye, sterility, and alcoholic diseases, were false and misleading since it would not be efficacious for such purposes.

It was also charged to be misbranded under the provisions of the law applicable to foods, as reported in notice of judgment F. N. J. No. 3222.

On March 25, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

DRUGS ALSO FAILING TO BEAR REQUIRED INGREDIENT STATEMENT

642. Misbranding of Diaplex. U. S. v. 97 Packages of Diaplex. Default decree of condemnation and destruction. (F. D. C. No. 5230. Sample No. 7684-E.)

The labeling of this product bore false and misleading representations regarding its efficacy in the treatment of diabetes. Furthermore, it was a drug but its label failed to bear the common or usual name of such drug.

On July 26, 1941, the United States attorney for the Southern District of California filed a libel against 97 packages of Diaplex at Santa Monica, Calif., alleging that the article had been shipped in interstate commerce on or about June 25, 1941, by Mrs. Alice Pierce from Wellington, Colo.; and charging that it was misbranded.

Analysis showed that the article consisted of the ground or shredded leaves and stems of a species of saltbush such as *Atriplex canescens*.

The article was alleged to be misbranded in that the following statements on the label, "Directions to doctors for those whose blood-sugar count tests 125 mgs. per 100 C. C. or over. Use four heaping tablespoons of Diaplex to the quart of water and * * * an adult should use two quarts of Diaplex tea daily and a child, one, for a period of nine to eighteen months. Diaplex * * * should never lower the blood-sugar below normal. Therefore a great amount is effective. Small doses are worthless for the diabetic. * * * Notice: Warning! persons using Diaplex with insulin should make the urine test daily, and as the pancreas increases its normal function, reduce the amount of insulin sufficiently to avoid insulin reaction. Only use enough insulin to take care of the surplus sugar reducing the amount of insulin from time to time sufficiently to avoid insulin reaction: But continue the use of Diaplex until you are well and strong," were false and misleading since they created the impression that it would be useful for reducing abnormally high blood-sugar content and as a treatment for diabetes; whereas it was not capable of accomplishing such results. It was alleged to be misbranded further in that it was a drug and its label failed to bear the common or usual name of such drug.

On September 8, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

643. Misbranding of Hicks' Quinine Hair Tonic. U. S. v. 5 1-Gallon Bottles and 6 8-Ounce Bottles of Hicks' Quinine Hair Tonic. Default decree of condemnation and destruction. (F. D. C. No. 6218. Sample No. 70127-E.)

The labeling of this product bore false and misleading representations regarding its efficacy in the conditions indicated hereinafter. The label also failed to bear an accurate statement of the quantity of the contents and the common or usual names of the active ingredients present.